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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,837	01/12/2004	Michael John Burkhart	AUS920030965US1	9839
34533	7590	12/24/2008		
INTERNATIONAL CORP (BLF) c/o BIGGERS & OHANIAN, LLP P.O. BOX 1469 AUSTIN, TX 78767-1469			EXAMINER KUMAR, ANIL N	
			ART UNIT 2174	PAPER NUMBER
			MAIL DATE 12/24/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/755,837	Applicant(s) BURKHART ET AL.	
	Examiner ANIL N. KUMAR	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7,13,19,25 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7,13,19,25 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>NPL</u> |

DETAILED ACTION

1. This action is in response to the RCE filed on October 19th, 2008. Claims 1, 7, 13, 19, 25 and 31 continue to be pending and have been considered below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 7, 13, 19, 25 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. ("Gordon", US 2004/0044635 A1) in view of Lortz (US 6505243 B1).

Claim 1: Gordon discloses a computer implemented method for displaying a help resource associated with a device on a remote display apparatus, the method comprising;

- receiving, in a display apparatus (monitor 147 in Fig. 1), a plurality of help messages created in a plurality of devices (goal of the present invention is to provide a help architecture 40 that facilitates providing help from one or more local and/or remote help libraries 42 based on the current overall context of

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the application 10, paragraphs [0075-0078] and Fig. 6), wherein a help message includes an importance rating that identifies an importance of the help message (A context message 14 from a component 12 may contain keywords only, attributes only, or some combination of the two. As will be explained in more detail below, the keywords in a context message 14 are employed to locate help topics, and the attributes in a context message are employed to filter and prioritize –importance rating- the located topics, paragraph [0032]);

- prioritizing one of the plurality of help messages comprising selecting a help message in dependence upon a importance rating included in the help message (the sorted list 22 may then be displayed to the user of the application 10 ... to be perused by the user -and selected-, paragraph [0070])
- retrieving, in dependence upon the prioritized help message, a help resource (the help engine 16 retrieves help topics 18 from one or more help libraries 20, evaluates and prioritizes the retrieved topics 18, paragraph [0036]);
- and displaying, with the display apparatus, the help resource (display sorted list 22 to user of application 10 in list display area 26 – 319, paragraph [0070] and Fig. 3).

but does not explicitly teach,

- and a device identification that identifies a device that created the help message;

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- wherein the value of the importance rating is dependent upon the status of the device ;
- notifying at least one of the plurality of devices that the display apparatus is busy, creating, in the display apparatus a busy message; and transmitting the busy message to at least one of the plurality of devices.

However, Lortz teach, an invention that provides device-specific help information (Abstract) and further teach, an inspection of the device's name, device id, or other characteristics (column 6 lines 51-61) and if a timer device were being installed, its operative status might be delayed (column 5 lines 57-61), and further teach, notifying, creating and transmitting messages from a device, like a DHCP server with display, to plurality of client devices in a network (column 3 lines 12-45). It would have been obvious to an artisan at the time of this invention to combine the method of including device identification , communication and status information into the help message, as taught by Lortz, with Gordon's suggestion, the keywords and attributes in a context message 14 from a component 12 may vary based on the current context of the component 12 (paragraph 31), in order to provide user access to device information in the help message, as the user may want messages specific to components/devices.

Claim 7 is similar in scope to claim 1, and therefore rejected under similar rationale. Furthermore, Lortz teach, a network-attachable device such as services gateway (column 1 lines 57-64).

Claim 13 is similar in scope to claim 1, and therefore rejected under similar rationale. Furthermore, Gordon teach, a computer system (Fig. 1).

Claims 19 is similar in scope to combination of claim 7 and claim 13, and therefore rejected under similar rationale.

Claim 25 is similar in scope to claim 1, and therefore rejected under similar rationale. Furthermore, Gordon teach, a recording medium (reading from or writing to a removable optical disk 131 such as a CD-ROM, paragraph [0021]).

Claims 31 is similar in scope to combination of claim 7 and claim 25, and therefore rejected under similar rationale.

Response to Arguments

4. Applicant's arguments filed on October 19th, 2008 have been fully considered but they were found not persuasive.

A. Applicant argues, for Claim 1, "Gordon's context message containing keywords and attributes does not disclose a help message including an importance rating

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that identifies the importance of the help message as claimed". The Examiner respectfully disagrees, and points out Gordon, clearly teach priorities of the messages is based on the attributes (divide out keywords and attributes from all context messages; store priority with each key word 307, paragraphs [70-71] and Fig. 3). Note it this priority, based on the message, that is further used to prioritize the help topics (315). Hence it is clear that the prioritization done at step 315 essentially prioritizes the message itself.

- B. Applicant argues, for Claim 1, "Lortz does not even contemplate the possibility of multiple devices sending connection notifications to a single configuration device". The Examiner respectfully disagrees, and points out that Lortz clearly teach, multiple devices (clients) sending connection notification to a single configuration device (DHCP server, column 3 lines 23-34).
- C. Applicant argues, for Claim 1, "Applicants understand this statement as an assertion that the Office Action takes official notice that the limitations, "creating, in a display apparatus a busy message" and "transmitting a busy message to at least one of a plurality of devices" are well known in the art and in the knowledge of an ordinary person. Applicants traverse the taking of official notice in this case". The Examiner respectfully disagrees, and points out that basic networking protocols, such as IEEE 802.11a MAC protocol, is well known in the

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art, and further directs the applicant to the NPL document "a busy-tone based directional MAC protocol for ad hoc networks".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil N. Kumar whose telephone number is (571) 270-1693. The examiner can normally be reached on Wednesdays and alternate Mon-Tue and Thu-Fri EST (Alternate Mon-Tue and Thu-Fri off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANK

/Stephen S. Hong/

Supervisory Patent Examiner, Art

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12/7//2008